

UNITED STATES DISTRICT COURT
FOR THE EASTERN OF PENNSYLVANIA

**IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION**

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No. 18-md-02323-AB

**Kevin Turner and Shawn Wooden, on
behalf of themselves and others similarly
situated,**

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MDL No. 2323

Hon. Anita B. Brody

Plaintiffs,

§
§

v.

**National Football League and NFL
Properties, LLC, successor-in-interest
To NFL Properties, Inc.**

§
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§
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Defendants.

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**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

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**DECLARATION OF LANCE H. LUBEL PURSUANT TO THE COURT'S ORDER
DATED MARCH 28, 2018 (ECF 9833)**

I, LANCE H. LUBEL, declare the following, pursuant to 28 U.S.C. § 1746:

1. I am an attorney licensed to practice law in the State of Texas, and a partner in the law firm of Lubel Voyles LLP.
2. The matters stated herein are personally known to me based upon staff review of our client files, correspondence with clients following the Court's order, and communications with other law firms involved in the subject representation, and if called as a witness in the above case, I could so testify.
3. Lubel Voyles LLP is one of the firms seeking common benefit fees (ECF 8725) from the Attorneys' Fees Qualified Settlement Fund and hereby answers the following questions presented by the Court:

1. How many Settlement Class Members have you, your law firm or any attorney

associated with your law firm:

- A. Previously represented in this litigation and do not currently represent;

Answer: Lubel Voyles LLP previously represented but no longer represents seventeen (17) Settlement Class Members.

- B. Currently represent in this litigation?

Answer: Lubel Voyles LLP currently represents sixty-one (61) Settlement Class Members.

2. How many Settlement Class Members previously or currently represented by you, your law firm or any attorney associated with your law firm:

- A. Have received a Monetary Award?

Answer: None of Lubel Voyles LLP's Settlement Class Members have received a Monetary Award.

- B. Have been informed that they are entitled to receive a Monetary Award?

Answer: Only one (1) Settlement Class Member represented by Lubel Voyles LLP has been approved for a Monetary Award.

- C. Have applied for a Monetary Award?

Answer: Three (3) Settlement Class Members represented by Lubel Voyles LLP has applied for a Monetary Award.

- D. That you have knowledge that they will be eligible to receive a Monetary award?

Answer: Based on current information and depending on the ultimate interpretation of the Settlement Agreement, audits and appeals, etc. approximately 10-12 Settlement Class Members represented by Lubel Voyles LLP should be eligible to receive a Monetary Award.

3. How many Settlement Class Members previously or currently represented by you, your law firm or any attorney associated with your law firm have entered agreements to assign their rights to a Monetary Award ("Assignment(s)")?

Answer: Four (4) Settlement Class Members currently represented by Lubel Voyles LLP have entered in Assignments with a third-party funder.

4. Of the total number of Settlement Class Members included in your answer(s) to question #2, how many of these Settlement Class Members have also entered into the Assignments referenced in question #3?

Answer: Four (4) Settlement Class Members currently represented by Lubel Voyles LLP have entered in Assignments with a third-party funder.

5. Are you, your law firm or any attorney assisted with your law firm obligated to pay or forward (directly or indirectly) any portion of a Settlement Class Member's Monetary Award to any third party litigation funder?

Answer: Yes, Lubel Voyles LLP is obligated to forward a portion of the Settlement Class Members' Monetary Award to third-party funders.

6. Explain any other role that you, your law firm, or any attorney associated with your law firm may have had in creating, promoting, or facilitation the Assignments referenced in questions #3 and/or obligations referenced in question #5.

Answer: It is Lubel Voyles LLP's routine practice to advise personal injury clients, in writing or orally, that we do not recommend loans such as these because the terms are unfavorable, the agreements can impact the attorney client privileged depending on the jurisdiction and the specific information required to be exchanged with the lender, and providing advice on loan agreements falls outside the scope of our representation. Attached hereto as exhibits 1 and 2 are example notifications in this regard. We did not promote, create or facilitate any agreements, but we did sign acknowledgement funding paperwork pursuant to client requests.

7. Do you, your law firm, any attorney associated with your law firm or any individual or entity related to your law firm have any direct or indirect (professional or personal) association with any of the third party litigation funders used by Settlement Class Members previously or currently represented by you, your law firm or any attorney associated with your law firm? If so, provide details of that association. If any of these individuals and/or entities had such an association in the past, provide details of that association. If any of these individuals and/or entities anticipates having such an association in the future, provide details of that association.

Answer: Lubel Voyles LLP and its members do not have any association with any of the third party funders used by Settlement Class Members.

8. Have any of the Assignments referenced in #3 been resolved in accordance with the rescission process provided for in ECF No. 9517? If so, indicate those that have been resolved by their designated letter (*See "Documents," below*) and the date of the

resolution.

Answer: Lubel Voyles LLP does not know whether any assignment have been resolved in accordance with the rescission process.

9. Attached as Exhibits 3-6, are redacted Assignments entered into by Settlement Class Members AA-DD, currently represented by Lubel Voyles LLP and related communications with such third party litigation funders.

I declare under penalty of perjury that the foregoing is true and correct.

Date: May 1, 2018

Respectfully Submitted,

/s/ Lance H. Lubel

Lance H. Lubel
Texas State Bar No.: 12651125
LUBEL VOYLES LLP
675 Bering Dr., Suite 850
Houston, Texas 77057
Telephone: (713) 284-5200
Facsimile: (713) 284-5250
Email: lance@lubelvoyles.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all counsel of record via the Court's ECF system on May 1, 2018.

/s/ Lance H. Lubel
Lance H. Lubel